

CORRECTED FISCAL MEMORANDUM

SB 3280 – HB 3637

May 19, 2008

SUMMARY OF AMENDMENTS (016947, 015664): Amendment 015664 deletes the language of the original bill. Amends the open government law in several ways. Requires state, county, and municipal records to be open to any person during regular business hours. Requires the Municipal Technical Advisory Service (MTAS), the County Technical Assistance Service (CTAS), the Tennessee School Board Association, the Utility Management Review Board (UMRB), and the State Emergency Communications Board to provide training to local government entities regarding the open meetings law. Establishes in general law the Office of Open Records Counsel (ORC) and creates an 11 member Advisory Committee on Open Government. Amendment 016947 adds two non-legislative members to the Advisory Committee.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$22,500/One-Time
Increase State Expenditures - \$140,400/Recurring

Increase Local Expenditures – Exceeds \$100,000/Recurring

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

On April 16, 2008, we issued a fiscal memorandum on this amendment indicating *an increase in state expenditures of \$22,500/One-Time and \$153,600/Recurring and an increase in local expenditures of exceeds \$100,000/Recurring*. Based on additional information from the Comptroller, the fiscal impact of the bill with the proposed amendments is as follows:

(CORRECTED)

Increase State Revenue - \$7,500/Recurring
Increase State Expenditures – \$2,500/One-Time
\$14,000/Recurring

Increase Local Expenditures* – Exceeds \$100,000/Recurring

Assumptions applied to amendments:


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- Two professional positions in the ORC are currently funded. One position is funded through a recurring amount of \$100,000 in the Governor's Budget and the second position has been filled by an existing employee of the Comptroller's office, negating the need to hire an additional employee.
- MTAS and CTAS have already established training programs on open government and will not require additional resources. The Tennessee School Board Association and the State Emergency Communications Board can incorporate open government training into existing training with no significant additional cost. The UMRB does not currently have such training in place. The UMRB estimates a recurring increase in expenditures of \$7,500 for training program travel and materials per year. These programs will be held annually in five locations statewide. A fee will be levied sufficient to cover these costs and is expected to increase state revenue \$7,500.
- The UMRB estimates a one-time increase in expenditures of \$2,500 for development of the program.
- State expenditures will increase \$6,500 for travel costs for the Advisory Committee ([8 non-legislative members for 4 meetings per year with \$131.56 {\$0.46 per mile x 286 miles} travel reimbursement] + [2 legislative members for 4 meetings per year with \$120 travel reimbursement and \$161 per diem]).
- Local government expenditures will increase as a result of additional requirements placed on the custodian of records. This increase is expected to exceed \$100,000.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/kmc

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